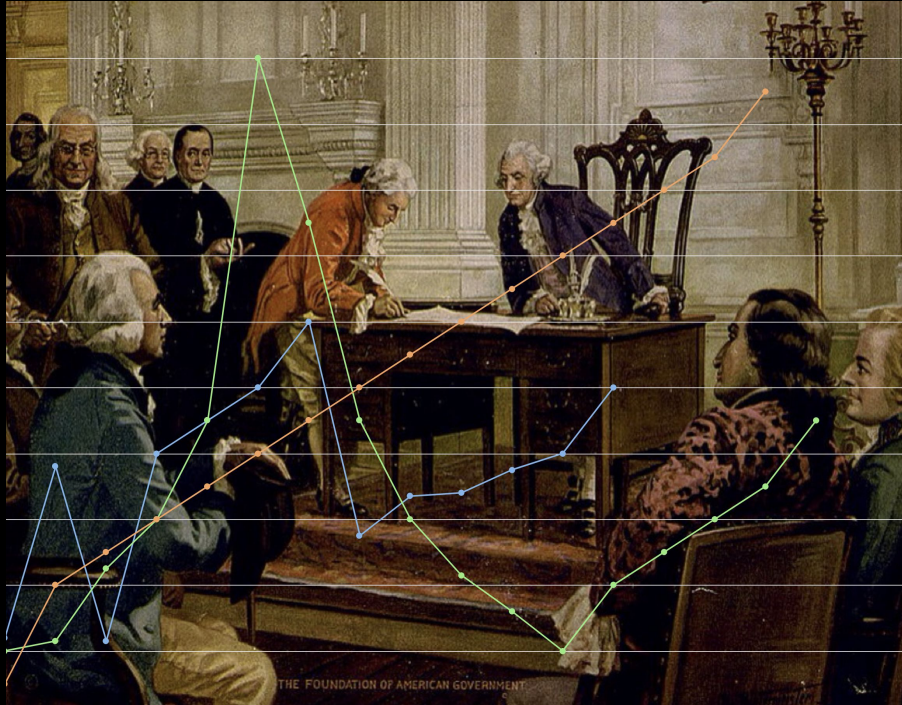


# Federalism Index Project





# Center for Constitutional Studies

# Center for Constitutional Studies







# Federalism and Quill

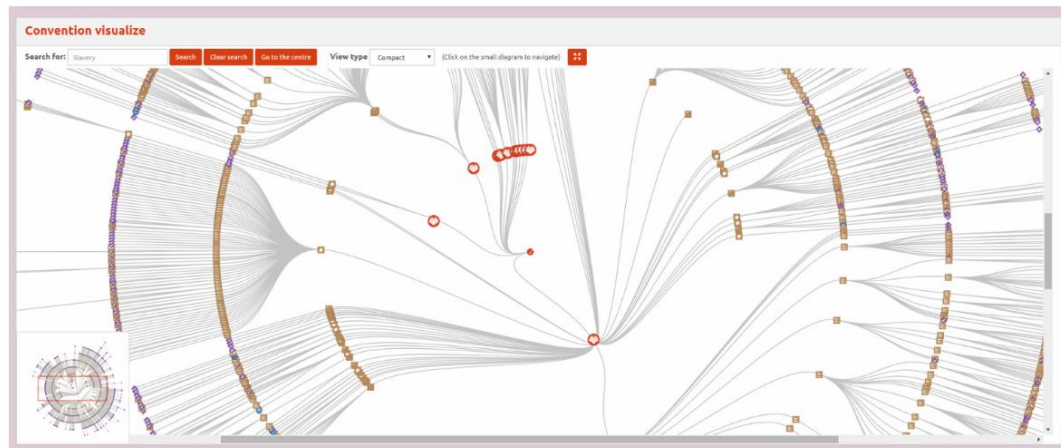
“To eventually place all state constitutional conventions online – and thereby demonstrate that the states are vital repositories of liberty with extensive reserved powers.”



# The Quill Project

The Center for Constitutional Studies has a close partnership with The Quill Project of Pembroke College, Oxford, whose mission is to digitally model the creation of constitutions and other similar documents. CCS directors and students work on a near-daily basis with the Project's director, Dr. Nicholas Cole. A previous CCS team helped build the Quill platform for the U.S. Constitutional Convention of 1787, and our current team is modeling the proceedings of the Utah Constitutional Convention of 1895. The platform for the Utah Convention is currently unavailable to the public, but we will make an update when it is published.

## Immerse yourself in the Constitutional Convention of 1787 with the Quill Project!



Deliberations on what would become the U.S. Constitution began on May 25, 1787, and proceeded through the hot Philadelphia summer until September 17. If you've wanted to read about these debates, there is no better way than over a parallel time-frame. Books we would recommend include James Madison's *Notes*, Max Farrand's classic *The Framing of the Constitution of the United States*, and Richard Beeman's more recent *Plain Honest Men*. And now, they can be supplemented with the most advanced tool for studying the convention, the web platform from the Oxford Quill Project. It allows users to precisely trace what debates were about and changes to the Constitution were made on any given day. It was designed by Professor Nicholas Cole of Oxford University (Senior Research Fellow, History), and was partly executed by our own CCS Wood Assistants Lance Merrell, Matthew Nolte, and Colten Sponseller. We are proud of the results and invite you to visit the Quill platform. It really is the best way to learn, "21st-century style," about the momentous summer of 1787. More details to come on our current work to also make the proceedings of Utah's Constitutional Convention available on Quill.

*Visit [The Quill Project website](#).*



**Phase 1: Federalism Continuing Legal Education**

CCS partners with the Commission on Federalism to produce online course for Continuing Legal Education Credit October 8-20 2015.

**Phase 2: Federalism Index**

Plans to create a Federalism Index as part of a larger "Functional Federalism" initiative.

2016

2017

2018

2019

**Phase 2: Federalism Curriculum**

Research and development for phase 2 of the Federalism Curriculum.

**Federalism Index**

- Website in development
- Prototype "alpha"
  - April 17, Senator Lee



# Lessons

1. System is **out of balance**
2. Lack of **accessible** research and information (for non academics)
3. Lack of **understanding** of the basic principles of federalism
4. Renewed **bi-partisan** interest in restoring state and local autonomy



# Federalism and Polarization



NOVEMBER 5, 2018



## More Now Say It's 'Stressful' to Discuss Politics With People They Disagree With





# Decentralization and de-polarization?

1. Constitutional structure
2. Liberty / experimentation / competition
3. And some new concerns
  - a. Polarization
  - b. Distrust
  - c. Civic engagement



# Accommodating difference

“Many of the issues that recent presidents have tried to decide at the national level through executive orders are best resolved at the state or local levels instead. In an era of fierce partisan divisions, all sides are beginning to see the virtues of our federal system in **accommodating differences** – and encouraging experimentation – on issues such as immigration, law enforcement and education.”

-National Constitution Center President Jeffrey Rosen



# Avoiding a “war of all against all”

“When any issue is moved to the national level, it creates a set of winners and a set of losers. *Because the losers will have to either live under the winners’ regime or leave the country, everyone will fight much harder to achieve their result or, failing that, to block the other side from achieving its goal.* Consequently, the more issues that are elevated to the national level, the more contentiousness, bitterness, and “gridlock” develops as people fight ever harder *not to lose*. The result is a political version of what Thomas Hobbes called a **“war of all against all.”**”

-Randy E. Barnett: Carmack Waterhouse Professor of Legal Theory and Director of Georgetown Center for the Constitution, Georgetown University Law Center



# Challenge

Can the relationship between the federal government and the states and local governments be measured?





# Problems





# Federalism Index

- 1) “where is the line”
  - a) It has shifted over time, and we recognize that not everyone will agree on “the line”
- 2) Accessible data for [normal?] people
  - a) Our audience is diverse, and we need to create a tool that is flexible enough to meet different needs
- 3) Doing federalism
  - a) We want our users to be able to move from data to insight to action. We had to create a platform that would connect our users to nationwide groups, data, experts, and research

The background is a historical painting depicting the signing of the Declaration of Independence in 1776. The scene is set in a grand room with high ceilings and classical columns. Several men in 18th-century attire are gathered around a large table, some seated and some standing, engaged in discussion and signing documents. Overlaid on this painting are three distinct line graphs: a green line with circular markers, a blue line with circular markers, and an orange line with circular markers. These graphs represent data trends across the image, with the green line showing a sharp peak at the top left and a dip at the bottom right, the blue line showing a more moderate fluctuation, and the orange line showing a steady upward trend from the bottom left towards the top right.

## Solutions:

1. Organize
2. Engage
3. Provide tools for action



# **Welcome to the Federalism Index** beta

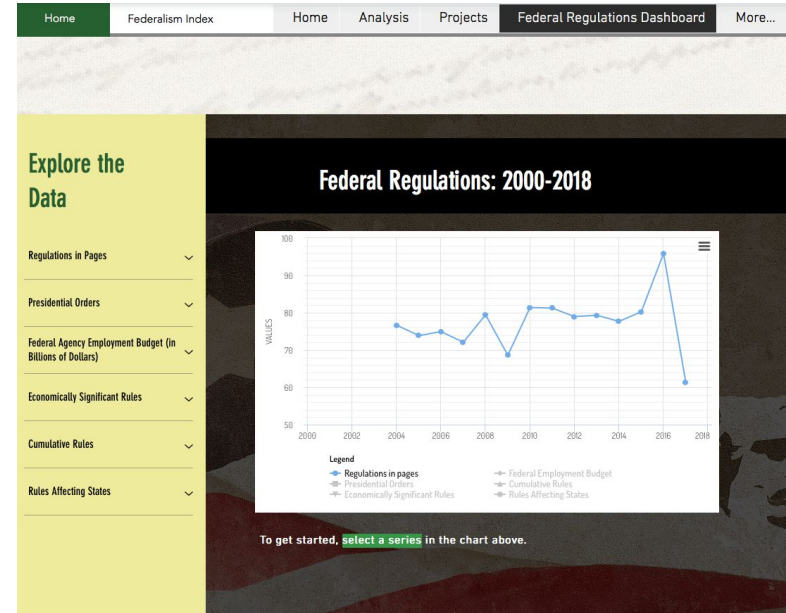
[www.federalismindex.org](http://www.federalismindex.org)





# Summary

Our focus for this phase was one “Key Indicator” - Regulations





# Limitations and considerations

The next four months are a critical time for the Federalism Index. By September 17, we need to:

- 1) Continue to upgrade our website (and web design)
- 2) Improve the **Federal Regulations Dashboard** (based on your feedback)
- 3) Substantially build out the sub-indexes
  - a) *Expanded datasets*
  - b) *New datasets*
  - c) *Improved data visualization* (e.g. pie / area / stacked charts)
- 4) Prepare for the official “launch” at Utah Valley University

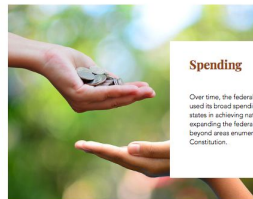
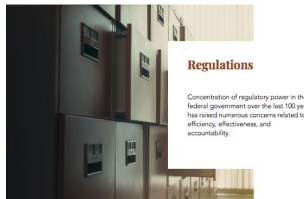
# Key Indicators

We have ambitious long-term goals.

Regulations is just one key indicator. Over the next 2-5 years, we will complete index data for the remaining key indicators

## Our Projects

The Federalism Index aims to measure a number of Key Indicators over the next 5-10 years. Preview the projects we are working on below or go directly to the [Federal Regulations Dashboard](#) to get started.





# Thank you

- Federalism data can have an impact only if everybody can access it
- The Federalism Index Project aspires to make that a reality







# Contact us

- Directly *within the Dashboard itself*
- Through the “Contact us” page
- Directly: [abibby@uvu.edu](mailto:abibby@uvu.edu)



# Join us for Constitution Week

September 17-19





# Top issues for 2019 and beyond...

- According to NCSL, legislators and educators find these issues most pressing:
  - **Deregulation of federal rules\***
  - Opioid epidemic
  - Immigration overhaul
  - Cybersecurity threats
  - Health care reform
  - State education plans
  - Federal role in marijuana
  - Autonomous vehicles
  - Changes in the energy industry
  - Federal tax reform



## What the Index *is*

- A multimedia website that tells the story of American federalism in new ways
- A tool that allows users to explore on their own and generate their own reports
- A powerful, non-partisan, resource that helps state leaders and educators turn **knowledge to insight *and to action***



# Action

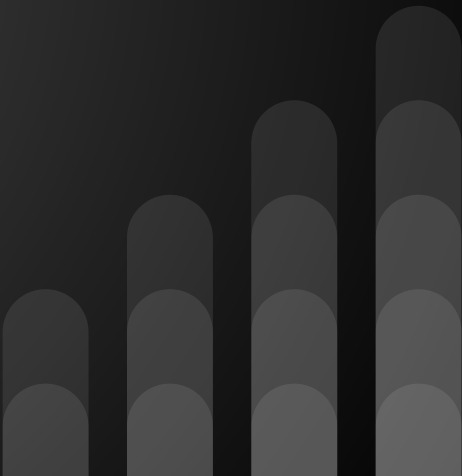
Access to data in federalism will make the greatest impact if everyone can access it. But access is only one step.

The Federalism Index will also serve to

- 1) Provide a platform for online education
- 2) Act as a regional hub for coordination with other states and organizations
- 3) Elevate and amplify the work of the Utah Federalism Commission



# Questions

1. What would you like to see added to the index?
  2. What do you see as a priority moving forward?
- 





# Summary

- Federalism data can have an impact only if everybody can access it
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